

AO 91 (Rev. 02/09) Criminal Complaint

**FILED**  
 UNITED STATES DISTRICT COURT  
 ALBUQUERQUE, NEW MEXICO

## UNITED STATES DISTRICT COURT

for the  
 District of New Mexico

JUL 18 2019

MITCHELL R. ELFERS  
 CLERK

United States of America )

v. )

PRUE, Todd R. ) Case No.

\_\_\_\_\_  
 Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

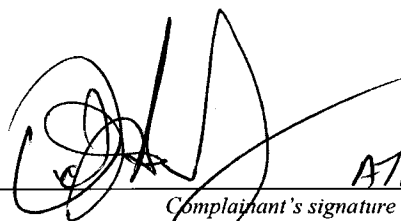
On or about the date of 07/02/2019 in the county of Bernalillo in the \_\_\_\_\_ District of  
New Mexico, the defendant violated Title 18 U. S. C. § 922 (g)(1)  
 , an offense described as follows:

On 07/02/2019, Todd R. PRUE, a previously convicted felon was in possession of a Charter Arms, Corp., model OFF DUTY, .38 Special revolver, serial number 1009359. Additionally PRUE was in possession of five (5) rounds of various brands, .38 Special caliber ammunition in violation of Title 18 U.S.C. 922(g) (1). In addition the aforementioned firearm and rounds of ammunition received and/or possessed by Todd R. PRUE in the State of New Mexico, were not manufactured within the State of New Mexico, thus traveled in and/or affected interstate and foreign commerce.

This criminal complaint is based on these facts:

See Attached Supporting Document

☒ Continued on the attached sheet.

 ATF/TFO  
 Complainant's signature

Victor J. Hernandez, Task Force Officer, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/18/2019

City and state: Albuquerque, New Mexico

  
 Judge's signature

JOHN F. ROBBENHAM, USMJ

Printed name and title

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

**UNITED STATES v. Todd R. PRUE**

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I, Victor J. Hernandez, a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), duly sworn, depose and state:

1. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18 and 26, United States Code.

2. I am a full time salaried sworn law enforcement officer with the Albuquerque Police Department, and have been so for 14 years. The last four (4) of those years, I have primarily investigated federal felony crimes as a Task Force Officer for the United States Department of Justice, ATF. In this capacity, I routinely investigate violations of federal criminal statutes, to include violation of federal firearms laws, and have specifically investigated violations related to subjects found to be in possession of illegal and altered firearms.

3. I request an Arrest Warrant for the above named defendant based on the following information, which I believe to be true and accurate.

4. The statements contained in this affidavit based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other law enforcement officers, and on my background and experience as a Task Force Officer of the ATF.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

### **PROBABLE CAUSE**

6. On July 2, 2019, at approximately 3:26 PM, APD Officer I. Fraser # 5647 was conducting patrol duties in the area of Quincy St. NE and Cutler Ave. NE.

7. While on patrol, Officer Fraser observed an adult male subject later identified as Todd R. PRUE sitting in the front driver's seat of a silver colored van parked at 2401 Quincy St. NE. Officer Fraser noted that the van did not have a visible license plate, and it was carrying a UHAUL trailer.

8. APD Sgt. D. Symes # 5342 arrived to assist and made initial contact with PRUE. Officer Fraser was observing this contact from the passenger side of the silver van.

9. PRUE exited the vehicle to show Sgt. Symes the items in the rear compartment of the van. At this point, Officer Fraser moved around the front of the van and came around to the open driver's side door.

10. Officer Fraser saw a glass pipe with white crystal like substance tucked into the driver's side map pocket. Officer Fraser, through training and experience, recognized this to be drug paraphernalia.

11. Having observed the drug paraphernalia, Officer Fraser placed PRUE under arrest and continued his investigation. Officer Fraser learned that the silver van was registered to PRUE and the UHAUL trailer had been reported stolen.

12. Pursuant to APD protocol, Officer Fraser began an inventory of PRUE's vehicle as it was to be impounded.

13. During the inventory, Officer Fraser located a green bag on the floorboard of the driver's seat of PRUE's van. Inside the bag was a Charter Arms, .38 caliber revolver with ammunition.

14. PRUE made a post-Miranda statement concerning his inability to find work due to his status of being a convicted felon.

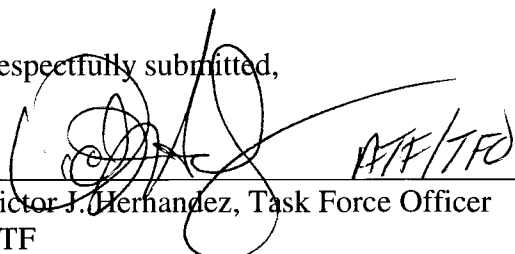
15. ATF TFO Victor J. Hernandez conducted a criminal history query of "TODD R. PRUE" and found PRUE to have two (2) previous felony convictions under the following cause numbers: D-202-CR-2002-00017 for Kidnapping (No Great Bodily Harm or Death); Conspiracy to Commit Kidnapping and Aggravated Battery (Great Bodily Harm). D-202-CR-2002-01036 for Trafficking Methamphetamine.

16. ATF TFO Hernandez traveled to the Albuquerque Police Department's evidence building where I viewed, photographed and conducted a function check on the Charter Arms Corp.; model OFF DUTY, .38 Special revolver, and serial number 1009359. Additionally, I inspected the five (5) rounds of various brands, .38 Special caliber ammunition found in PRUE's vehicle.

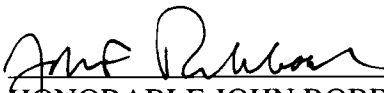
17. ATF TFO Hernandez found that the firearm functioned as designed and meet the definition of a firearm under Federal Law. In addition, the firearms and ammunition possessed by PRUE in the State of New Mexico traveled in or affected interstate and foreign commerce as they were manufactured in locations outside of the State of New Mexico.

18. Based on the above facts, there is probable cause to believe that Todd R. PRUE, a previously convicted felon, was in possession of a Charter Arms, Corp., model OFF DUTY, .38 Special revolver, serial number 1009359. Additionally PRUE was in possession of five (5) rounds of various brands, .38 Special caliber ammunition in violation of Title 18 U.S.C. 922(g) (1).

Respectfully submitted,

  
Victor J. Hernandez, Task Force Officer  
ATF

Subscribed and sworn to before me  
On July 18, 2019:

  
HONORABLE JOHN ROBBENHAAR  
UNITED STATES MAGISTRATE JUDGE